

**07 CRIM 1122****CR 97 0002**

No. \_\_\_\_\_

**FILED**

JAN 07 1997

**RICHARD W. WIEKING**  
**CLERK, U.S. DISTRICT COURT,**  
**NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES DISTRICT COURT****NORTHERN District of CALIFORNIA****CRIMINAL Division****THE UNITED STATES OF AMERICA**

vs.

HOA DUC NGUYEN

I hereby certify that the annexed  
 instrument is a true and correct  
 copy of the original filed ~~in my~~  
 office. **INDICTMENT FILED:**  
**RICHARD W. WIEKING**  
**Clerk, U.S. District Court**  
**Northern District of California**  
 NOV 12 1997  
 Deputy Clerk 18 U.S.C. § 3146 -- FAILURE TO APPEAR

**INDICTMENT**

A true bill.

*Charles W. McTigue*

Foreman

Filed in open court this 7<sup>th</sup> day.

of Jan A.D. 1997

BRENDA TOLBERT  
Clerk

Bail \$

*No Bail arrest warrant**M.E. James*

MARIA-ELENA JAMES

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #  
 DATE FILED DEC 07 2007

1 MICHAEL J. YAMAGUCHI  
2 United States Attorney  
3 JOEL R. LEVIN  
4 Chief, Criminal Division  
5 GEOFFREY A. ANDERSON  
6 Assistant United States Attorney  
7 Chief, Organized Crime Strike Force  
8 STEVEN F. GRUEL  
9 Assistant United States Attorney  
10 450 Golden Gate Avenue  
11 San Francisco, CA 94102  
12 Telephone: (415) 436-6936

13 Attorneys for Plaintiff

14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA, ) NO. CR 97 20002 RMW  
17 Plaintiff, ) VIOLATIONS:  
18 v. ) Title 18, United States Code, Section  
19 HOA DUC NGUYEN, ) 3146 -- FAILURE TO APPEAR  
20 Defendant. ) (SAN JOSE VENUE)

21 I N D I C T M E N T

22 COUNT ONE: (18 U.S.C. § 3146)

23 The Grand Jury charges:

24 1. On or about May 16, 1996, in the City of San Jose,  
25 County of Santa Clara, State and Northern District of California and  
elsewhere,

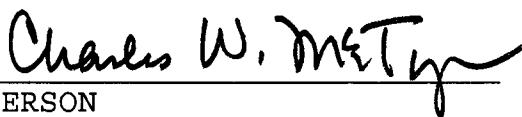
26 HOA DUC NGUYEN,

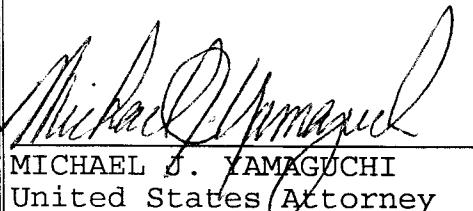
FILED  
JAN 07 1997  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

✓

1 defendant herein, did knowingly fail to appear in the United States  
2 District Court before the Honorable Patricia V. Trumbull, United  
3 States Magistrate-Judge, for a hearing regarding the conditions of  
4 his pretrial release in criminal case CR 95-20075-RMW, Northern  
5 District of California, in violation of Title 18, United States  
6 Code, Section 3146.

7 Dated: January \_\_\_, 1997. A TRUE BILL

8  
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10   
11 FOREPERSON  
12

13   
MICHAEL J. YAMAGUCHI  
United States Attorney

14 (Approved as to Form:   
AUSA Steven F. Gruel

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CLOSED, ICMS

**U.S. District Court  
California Northern District (San Jose)  
CRIMINAL DOCKET FOR CASE #: 5:97-cr-20002-RMW All Defendants  
Internal Use Only**

Case title: USA v. Nguyen

Date Filed: 01/07/1997

Date Terminated: 11/20/2007

Assigned to: Hon. Ronald M. Whyte

**Defendant****Hoa Duc Nguyen (1)**

TERMINATED: 11/20/2007

I hereby certify that the annexed instrument is a true and correct copy of the original filed in my office. ATTEST FILED:  
RICHARD W. WIEKING  
Clerk, U.S. District Court  
Northern District of California  
By: /s/  
Date: NOV 20 2007  
Deputy Clerk

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Disposition**Consent to Transfer of Case for Plea  
and Sentence (Under Rule 20)**Terminated Counts**18:3146A.F FAILURE TO APPEAR  
(1)**Highest Offense Level (Terminated)**

Felony

**Disposition****Complaints**

None

**Plaintiff**

USA

represented by **Steven F. Gruel**  
U.S. Attorney's Office  
450 Golden Gate Avenue  
P.O. Box 36055  
San Francisco, CA 94102  
(415)436-7200  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/07/1997	1	INDICTMENT by AUSA Steven F. Gruel. Counts filed against Hoa Duc Nguyen (1) count(s) 1 (cgb, COURT STAFF) (Entered: 01/13/1997)
01/07/1997		Bench Warrant issued for Hoa Duc Nguyen by Mag. Judge Maria-Elena James Bail Set: No Bail (cgb, COURT STAFF) (Entered: 05/29/2003)
11/25/2003	2	ORDER by Judge Ronald M. Whyte of reassignment to executive committee as to defendant Hoa Duc Nguyen (cfe, COURT STAFF) (Entered: 12/27/2004)
12/27/2004		(Court only) docket#2 was found on the shelf, undocketed as to defendant Hoa Duc Nguyen (cfe, COURT STAFF) (Entered: 12/27/2004)
11/20/2007	●	Judge update in case as to Hoa Duc Nguyen. Judge Ronald M. Whyte added. Judge Executive Committee no longer assigned to case. (Entered: 11/20/2007)
11/20/2007	●3	CONSENT TO TRANSFER JURISDICTION (Rule 20) to Southern District of New York Counts closed as to Hoa Duc Nguyen (1) Count 1. (cfe, Court Staff) (Filed on 11/20/2007) (Entered: 11/20/2007)
11/20/2007	●	Mailed Rule 20 Transfer documents to Southern District of New York, New York as to Hoa Duc Nguyen: (cfe, Court Staff) (Filed on 11/20/2007) (Entered: 11/20/2007)
11/20/2007	●	(Court only) ***Case Terminated as to Hoa Duc Nguyen (Entered: 11/20/2007)

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION IN U.S. DISTRICT COURT

Case 1:07-cr-01122-DAB Document 2-2 Filed 12/07/2007 Page 3 of 3

BY  COMPLAINT  INFORMATION  INDICTMENT

Name of District Court, and/or Judge/Magistrate Location (City)

## OFFENSE CHARGED

18 U.S.C. § 3146 -- FAILURE TO APPEAR

- Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY: 5 years/\$250,000 fine/\$50 special assessment/3 years supervised release

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S. vs.

FILED  
JAN 07 1997

HOA DUC NGUYEN

DISTRICT COURT NUMBER

RICHARD W. WIEKING  
NORTHERN DISTRICT OF CALIFORNIA

CR 97-30000-RW

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

FEDERAL BUREAU OF INVESTIGATION

 person is awaiting trial in another Federal or State Court, give name of court this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District this is a reprocsecution of charges previously dismissed which were dismissed on motion of:  
 U.S. Att'y  Defense this prosecution relates to a pending case involving this same defendant prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

MICHAEL J. YAMAGUCHI

 U.S. Att'y  Other U.S. Agency

Name of Asst. U.S. Att'y (if assigned)

STEVEN F. GRUEL

## DEFENDANT

## IS NOT IN CUSTODY

- 1)  Has not been arrested, pending outcome this proceeding  
If not detained give date any prior summons was served on above charges
- 2)  Is a Fugitive
- 3)  Is on Bail or Release from (show District)

## IS IN CUSTODY

- 4)  On this charge  
5)  On another conviction  
6)  Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

 Fed'l  StateHas detainer been filed?  Yes  No

If "Yes" give date filed

Mo. Day Year

## DATE OF ARREST

Or... if Arresting Agency &amp; Warrant were not Federal

## DATE TRANSFERRED TO U.S. CUSTODY

Mo. Day Year

 This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

SUMMONS

BAIL (AMT). No Bail Arrest Warrant

NO PROCESS\*

\*WHERE DEFENDANT PREVIOUSLY APPREHENDED ON COMPLAINT, NO NEW SUMMONS OR WARRANT NEEDED, SINCE MAGISTRATE HAS SCHEDULED ARRAIGNMENT